

REMARKS

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Upon entry of this amendment, claims 1 through 4, 6 through 13, and 15 through 19 would remain in this case. Amendment to claims 1, 8, and 15 is presented. Claims 5, 14, and 20 are proposed to be canceled.

Claims 1, 3, 4, 6, 8 through 12, and 15 through 18 were finally rejected as anticipated by the Rabowsky reference¹. Claims 2, 7, and 13 were finally rejected under §103 as unpatentable over the Rabowsky reference. Claims 5, 14, 19, and 20 were finally rejected under §103 as unpatentable over the Rabowsky reference in view of the Mercks et al. reference². No new matter is presented by this proposed amendment.

Claim 1 is proposed to be amended to overcome the rejection, specifically by including the limitation of claim 5, now canceled, and as such now recites that the server is also operable to control at least one facility element within the selected location at the selected one of the desired plurality of times. Claim 1 is further proposed to be amended to recite that each of the plurality of data presentation units are disposed at a corresponding one of a plurality of locations that are remote from the server.³

The system of proposed amended claim 1 provides important advantages relative to conventional video distribution systems, especially in providing centralized and integrated control of not only the video information presented at a remote location, but also in the centralized and integrated control of the video facilities in a manner that is synchronized with the video being presented.

¹ U.S. Patent No. 6,141,530, issued October 31, 2000 to Rabowsky.

² U.S. Patent No. 6,384,893, issued May 7, 2002 to Mercks et al.

³ See specification of S.N. 09/731,415, page 11, lines 4 through 15.

Applicant first respectfully submits that proposed amended claim 1 is novel over the Rabowsky reference. Nowhere does the Rabowsky reference disclose the control of a facility element within the selected location, as pointed out by the Examiner.⁴ Accordingly, Applicant submits that proposed amended claim 1 and its dependent claims are all novel over the Rabowsky reference, and that, upon entry of this amendment, the final rejection of the claims under §102 (as well as the §103 rejection based on the Rabowsky reference taken individually) will be overcome.

As mentioned above, however, the Examiner also finally rejected claim 5 as unpatentable over the combination of the Rabowsky and Mercks et al. references. The Examiner found that the control of a facility element within the selected location was taught by the Mercks et al. reference, and would have been obviously combined with the teachings of the Rabowsky reference "in order to reduce the amount of interaction required by the operator".⁵

Applicant submits, however, that the combined teachings of the Rabowsky and Mercks et al. references fall short of the requirements of proposed amended claim 1, because neither of the references disclose or suggest the control of a facility element within a selected location that is remote from the server that is operable to effect such control, as required by the claim. As mentioned above, the Rabowsky reference is silent regarding the control of a facility element.

Applicant submits, however, that the Mercks et al. reference also fails to disclose this feature of proposed amended claim 1. To the extent that the Mercks et al. reference teaches control of facility elements, this control is effected by a "DCP" or other "separate device" that is operating in the projection room,⁶ in response to control signals issued by a cinema controller that is located at the location of the multiplex cinema.⁷ To the extent that a remote server is involved, according to the Mercks et al. reference, this remote server at most collects status data from the cinema controllers in its network.⁸ There is no control effected by the remote server

⁴ See also Office Action of June 2, 2005, page 7.

⁵ Office Action, *supra*, pages 7 and 8.

⁶ Mercks et al., *supra*, column 5, lines 10 through 45.

⁷ Mercks et al., *supra*, column 2, lines 16 through 31.

⁸ Mercks et al., *supra*, column 7, lines 7 through 39.

according to the Mercs et al. reference, much less control of facility elements as required by proposed amended claim 1.

Accordingly, Applicant respectfully submits that the combined teachings of the Rabowsky and Mercs et al. references fall short of the requirements of proposed amended claim 1 and its dependent claims.

Applicant further respectfully submits that there is no suggestion from the prior art to modify these combined teachings in such a manner as to reach proposed amended claim 1. Nowhere does either of the applied references provide any suggestion that the facility element control ought to be carried out from a location remote from the presentation unit, for any reason. Nowhere in either reference is there any suggestion that it may be beneficial to have a server that selects content for a data presentation unit also control at least one facility element at that location. The Rabowsky reference fails to disclose facility element control, as mentioned above, and because the projector of the Mercs et al. reference is a reel-based projector,⁹ the selection of its content is also separated from facility element control. Accordingly, Applicant submits that any suggestion to the skilled artisan to modify the teachings of the applied references so as to reach proposed amended claim 1 would necessarily, and improperly, involve the hindsight use of Applicant's own teachings.

For these reasons, Applicant respectfully submits that proposed amended claim 1 and its dependent claims are patentably distinct over the prior art of record in this case.

Claim 8 is proposed to be similarly amended as claim 1, to overcome the rejection. Proposed amended claim 8 now requires that the scheduling and control process resident on the server is operable to control at least one facility element within a selected location, remote from the server, at the selected one of the desired plurality of times. No new matter is presented by this proposed amendment.¹⁰

⁹ Mercs et al., column 5, lines 10 through 20.

¹⁰ See specification, *supra*, page 11, lines 4 through 15.

Dependent claim 14 is proposed to be canceled accordingly, considering that its limitation is substantially introduced into proposed amended claim 8.

The scheduler and controller of proposed amended claim 8 provides similar important advantages as discussed above relative to proposed amended claim 1, specifically resulting from its centralizing and integrating the control of remote video facilities, along with selection of the video information to be presented at that location.

As discussed above, Applicant respectfully submits that proposed amended claim 8 and its dependent claims are all novel over the Rabowsky reference, because the reference fails to teach controlling a facility element within the selected location.¹¹ Accordingly, Applicant submits that, upon entry of this amendment, the §102 rejection of claim 8 and its dependent claims will be overcome.

Applicant further submits that the combined teachings of the Rabowsky reference and the Merces et al. reference also fall short of proposed amended claim 8. While the Merces et al. reference teaches automated control of facility elements in a multiplex theater,¹² this control is effected under the control of a cinema controller that is also located at that multiplex theater.¹³ No remote server control function is disclosed by the Merces et al. reference; rather, its remote server at most collects status data from the cinema controllers in its network.¹⁴ Remote control of facility elements, as required by proposed amended claim 8, is therefore certainly not disclosed by the Merces et al. reference, and therefore Applicant respectfully submits that the combined teachings of the applied references fall short of proposed amended claim 8.

Applicant further respectfully submits that there is no suggestion from the prior art to modify the combined teachings of the Rabowsky and Merces et al. references so as to reach proposed amended claim 8. Neither reference suggests that the facility element control ought to be carried out from a location remote from the presentation unit. Nor does the prior art anywhere

¹¹ See also Office Action of June 2, 2005, page 7.

¹² Merces et al., *supra*, column 5, lines 21 through 45.

¹³ Merces et al., *supra*, column 2, lines 16 through 31.

¹⁴ Merces et al., *supra*, column 7, lines 7 through 39.

suggest that it may be beneficial to have a server running a process in which content is selected for presentation and in which control of at least one facility element at a selected remote location is effected. As mentioned above, the Rabowsky reference fails to disclose facility element control whatsoever; because the projector of the Mercs et al. reference is a reel-based projector,¹⁵ selection of content is necessarily separated from facility element control. Accordingly, Applicant submits that only by the improper hindsight use of Applicant's own teachings would one be motivated to modify the teachings of the applied references to reach proposed amended claim 8.

For these reasons, Applicant respectfully submits that proposed amended claim 8 and its dependent claims are patentably distinct over the prior art of record in this case.

Claim 15 is proposed to be amended in similar fashion as discussed above relative to claims 1 and 8, by now requiring that the selecting step select a location, remote from the computer that selects the features and promotional data, at which to present the selected feature, and the additional step of using the computer to control at least one facility element within the selected location. Claim 20 is canceled accordingly. No new matter is presented by this proposed amendment, as discussed above relative to claims 1 and 8. And the method of claim 15 provides similar advantages as discussed above relative to claims 1 and 8, particularly in integrating and centralizing the control of the feature and promotional presentations along with the facility element control.

Similarly as discussed above relative to claims 1 and 8, Applicant submits that proposed amended claim 15 is also novel over the Rabowsky reference, upon which the §102 rejection is based, because the reference fails to disclose the controlling of a facility element by the computer. The Examiner admitted this shortfall of the rejection in the current Office Action.¹⁶

Applicant further respectfully submits that the combined teachings of the applied references fall short of the requirements of proposed amended claim 15 and its remaining

¹⁵ Mercs et al., column 5, lines 10 through 20.

¹⁶ Office Action, *supra*, page 7.

dependent claims, and that there is no suggestion to modify those teachings in such a manner as to reach those claims.

As discussed repeatedly above, the Rabowsky reference fails to disclose control of any facility element. The Mercs et al. reference, while teaching automated control of facility elements in a multiplex theater,¹⁷ teaches this controlling by a cinema controller located at that theater.¹⁸ The Mercs et al. reference nowhere discloses remote control of facility elements. Instead, to the extent that a remote server is taught, the Mercs et al. reference teaches that its remote server at most collects status data from the cinema controllers.¹⁹ As such, the combined teachings of the references fall short of the requirements of amended claim 15.

Applicant further submits that the prior art also fails to suggest modifying these teachings of the applied references to provide remote control of facility elements, as required by proposed amended claim 15. Specifically, neither reference suggests that the facility element control ought to be carried out from a location remote from the presentation unit, nor suggests that it may be beneficial to do so. Accordingly, Applicant submits that the improper hindsight use of Applicant's own teachings is necessary in order to motivate the skilled artisan to modify the teachings of the applied references to reach proposed amended claim 15.

For these reasons, Applicant respectfully submits that proposed amended claim 15 and its dependent claims are patentably distinct over the prior art of record in this case.

Applicant therefore respectfully submits that, upon entry of this amendment, all claims in this case will be in condition for allowance. Alternatively, Applicant submits that entry of this amendment will place these claims in better condition for appeal.

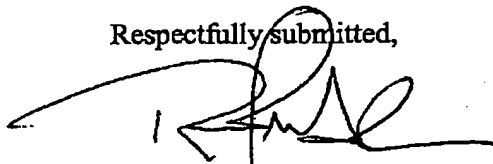
¹⁷ Mercs et al., *supra*, column 5, lines 21 through 45.

¹⁸ Mercs et al., *supra*, column 2, lines 16 through 31.

¹⁹ Mercs et al., *supra*, column 7, lines 7 through 39.

Entry of this amendment, and reconsideration of this application based on that amendment and these remarks, are respectfully requested.

Respectfully submitted,



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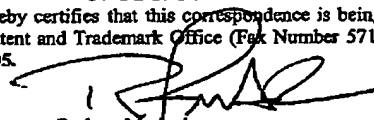
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